

upon such highway or situate within the improvement district; and shall thereupon by advertisement in the same manner as that provided in said Section 1794, give notice of the total amount of the cost of the improvement based upon the bid of the lowest responsible and reliable bidder, the maximum share per front foot or per square foot, as the case may be, proposed to be charged to the benefited district or sub-districts or zones, if any, and that the corrected map may be seen and examined at the office of the city and county engineer during business hours at any time prior to the date fixed for hearing; such notice shall also fix a date and place when a public hearing will be had and the supervisors will sit as a board of equalization to receive complaints or objections respecting the method of apportionment, or respecting the proposed several assessments, which date shall not be less than one week nor more than two weeks after the date of the first publication of the notice."

SECTION 8. Repeal. Sections 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791 and 1792 of the Revised Laws of Hawaii, 1915, are hereby repealed.

SECTION 9. Existing proceedings. Nothing in this Act contained shall operate to affect any proceedings begun and pending at the time of the passage of this Act.

SECTION 10. This Act shall take effect upon the date of its approval.

Approved this 26th day of April, A. D. 1915.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 169

AN ACT

TO AMEND CHAPTER 49 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO HARBORS, BY AMENDING SECTIONS 683, 685, 687 AND 691, AND BY ADDING ONE NEW SECTION THERE TO BE KNOWN AS SECTION 691A.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 683 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 683. Board of harbor commissioners. Except as otherwise provided by law, all ocean shores below mean high water mark, shore waters and navigable streams, and all harbors and roadsteads, and all harbor and waterfront improvements, belonging to or controlled by the Territory of Hawaii, and all shipping within such harbors, roadsteads, waters and streams shall be under the care and control of a board of harbor commissioners. Said board shall consist of five members, one of whom shall be the superintendent of public works of the Territory who shall be chairman, ex officio, and four shall be appointed by the governor as provided in Section 80 of the Organic Act. Such commissioners shall be appointed for terms of four years or the unexpired periods thereof, in such manner that the terms of two commissioners shall expire every second year. Said terms shall begin on the first day of July. Provided, however, that upon the first appointments, two of said commissioners shall be appointed for terms ending June 30, 1913, and two for terms ending June 30, 1915."

SECTION 2. Section 685 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 685. Powers and duties of board. Except as otherwise provided by law, said board shall have and exercise all the powers and shall perform all the duties which may lawfully be exercised by or under the Territory of Hawaii relative to the control and management of the shores, shore waters, navigable streams, harbors, harbor and waterfront improvements, ports, docks, wharves, quays, bulkheads and landings belonging to or controlled by the Territory, and the shipping using the same, and shall have the authority to use and permit and regulate the use of the wharves, piers, bulkheads, quays and landings belonging to or controlled by the Territory for receiving or discharging passengers and for loading and landing merchandise, with a right to collect wharfage and demurrage thereon or therefor, and, subject to all applicable provisions of law, to fix and regulate from time to time rates for services rendered in mooring vessels, charges for the use of moorings belonging to or controlled by the Territory, rates or charges for the services of pilots, wharfage or demurrage, rents or charges for warehouses or warehouse space, for office or office space, for storage of freight, goods, wares and merchandise, for storage space, for the use of donkey engines, derricks or other equipment belonging to the Territory, under the control of the board, and to make other charges except toll or tonnage charges on freight passing over or across wharves, docks, quays, bulkheads or landings. The board shall likewise have power to appoint and remove clerks, wharfingers and their assistants, pilots and pilot boat crews and all such other employees as may be necessary, and to fix their compensation; to make rules and regulations pursuant to this chapter and not inconsistent with law; and generally shall have all powers necessary fully to carry out the provisions of this chapter."

All moneys appropriated for harbor improvements, including new construction, reconstruction, repairs, salaries and operating expenses, shall be expended under the supervision and control

of the board, subject to the provisions of this chapter and of chapter 100.

All contracts and agreements authorized by law to be entered into by the board shall be executed on its behalf by its chairman.

The board shall prepare and submit annually to the governor a report of its official acts during the preceding calendar year, together with its recommendations as to harbor improvements throughout the Territory."

SECTION 3. Section 687 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 687. Rules and regulations. The board may from time to time make, alter, amend and repeal such rules and regulations not inconsistent with law as it may deem necessary respecting the manner in which all vessels may enter and moor, anchor or dock in the shore waters, navigable streams, harbors, ports and roadsteads of the Territory, or move from one dock, wharf, bulkhead, quay, landing, anchorage or mooring to another within such waters, streams, harbors, ports or roadsteads; the examination, guidance and control of pilots and harbor masters and their assistants, and their conduct while on duty; the embarking or disembarking of passengers; the expeditions and careful handling of freight, goods, wares and merchandise of every kind which may be delivered for shipment or discharged on the wharves, docks, quays, bulkheads or landings belonging to or controlled by the Territory; and defining the duties and powers of carriers, shippers and consignees respecting passengers, freight, goods, wares and merchandise in and upon such wharf, landing, dock, quay or bulkhead. The board may also make further rules and regulations for the safety of the docks, wharves, landings, quays, bulkheads and harbor and waterfront improvements belonging to or controlled by the Territory."

Said board may also, from time to time, make, alter, amend and repeal such rules not inconsistent with law as shall be deemed necessary for the proper regulation and control of all shipping in the harbors, shore waters and navigable streams belonging to or controlled by the Territory, and of the entry, departure, mooring and berthing of vessels therein, and for the regulation and control of all other matters and things connected with shipping in all such harbors, shore waters and navigable streams; and rules and regulations to prevent the throwing into such harbors, shore waters and navigable streams, of rubbish, refuse, garbage or other substances liable to make such harbors, shore waters and navigable streams unsightly, unhealthful or unclean, or liable to fill up or shoal or shallow such harbors, shore waters and streams, and likewise, to prevent the escape of fuel or other oils into such harbors, shore waters and streams, either from any vessel or from pipes or storage tanks upon the land.

Any rules and regulations so made shall be published by said board in the manner prescribed for the promulgation of the laws of the Territory, and upon such publication shall have the force and effect of law."

SECTION 4. Section 691 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 691. Wharfage. All such water craft as shall lie idle alongside any wharf, pier, bulkhead, quay or landing belonging to or controlled by the Territory, and all such water craft as shall discharge or receive freight or passengers on or from any wharf, pier, bulkhead, quay or landing, belonging to or controlled by the Territory, while made fast or lying alongside of the same, shall pay to the said board such rates of wharfage as shall be fixed by said board, not exceeding two cents per ton per diem on the net registered tonnage of the vessel."

All such water craft as shall receive or discharge freight or passengers (1) from or upon any such wharf, pier, bulkhead, quay or landing by means of boats, lighters or otherwise, while lying at anchor or under steam in any bay, harbor or roadstead, or (2) while lying in any slip or dock belonging to or controlled by the Territory, but not made fast to or lying alongside of any wharf, pier, bulkhead, quay or landing, shall pay such rates of wharfage as shall be fixed by said board not exceeding one cent per ton per diem on the net registered tonnage of the vessel. Any water craft that shall leave any such wharf, pier, bulkhead, quay, landing, slip, dock, basin or waters without paying its wharfage and other charges, with intent to evade the payment thereof, shall be liable to pay double rates."

SECTION 5. A new section is hereby added to the Revised Laws of Hawaii, 1915, to be known as Section 691A, as follows:

"Section 691A. Demurrage, lien, foreclosure. When any freight shall have remained upon any wharf, pier, bulkhead, quay or landing for more than twenty-four hours, the board may, in its discretion, make such demurrage charges for each subsequent day or part thereof as in its opinion are just and equitable."

The amount payable by any shipper or consignee for demurrage or other charges in respect of any freight shall be a lien on the same, and the board, its officers, employees or servants may take and hold possession of any such freight to secure the payment of such amount, and for the purpose of such lien, shall be deemed to have possession of such freight until such amount shall be paid. If the charges due on such freight shall not be paid within thirty days after being landed, the board may sell the same at public auction and out of the proceeds

JAPANESE PROBE OF EXPENDITURES

Unconstitutional acts of expenditure by the Japanese government officials will be investigated by the new parliament which convenes in Tokyo on May 17. The Japanese press has digressed far enough from the popular discussion of Japanese demands on China to advance the proposal of a thorough investigation of the alleged violation of the Japanese constitution.

The Tokio Nichi Nichi writes: "The issues which will be raised in the coming special session of the Diet will be in reference to unconstitutionality of the so-called discretionary expenditure and several other big and small issues. These issues promise to cause great discussions in the Diet. Since last year the government issued many orders which are suspected of being unconstitutional. They include ten or more cases of expenditure of the surplus in the treasury. Those may have been necessitated because the budget was not approved by the diet. But the government should not have indulged in such petty tricks. The ministers of state, from Count Okuma down, are men who held the view for many years that discretionary expenditure of the surplus is unconstitutional. Dr. Ichiki, especially, is known as an authoritative scholar. Yet he now comes out saying that discretionary expenditure is recognized by precedents. What a degradation of scholarship! The Japanese Constitution should not be trampled under foot. The contention that there were precedents for discretionary expenditure is indeed a poor one to advance here."

Oscar Sheffield, a negro, was taken from jail by a mob at Lake Park, a town near Valdosta, Ga., and shot to death in the public square.

A Havana despatch from Madrid says the Comedia theater, one of the finest and most aristocratic playhouses in that city, was destroyed by fire.

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BY AUTHORITY.

SEALED TENDERS.

Sealed tenders will be received by the Superintendent of Public Works up until 12 noon of Tuesday, May 25, 1915, for the construction of the Kalahe Homestead Road, South Hilo, Hawaii.

The Superintendent of Public Works reserves the right to reject any or all tenders.

Plans, specifications and blank forms of proposal are on file in the office of the Superintendent of Public Works, Capitol building, Honolulu, and with Mr. A. L. Burdick, Hilo, Hawaii.

CHAS. R. FORBES,
Superintendent of Public Works.
Honolulu, May 4, 1915.
6155-10c

SEALED TENDERS.

Sealed tenders will be received up to 11 a. m., Thursday, May 13, at the office of the president of the College of Hawaii, Manoa valley, for the construction of a reinforced concrete engineering laboratory for the College of Hawaii. The Board of Regents reserves the right to reject any or all tenders. Plans and specifications may be had on application at the office of the president of the college.

WALLACE R. FARRINGTON,
Chairman, Board of Regents.
Honolulu, May 1, 1915.
6153-10c

retain the charges accrued, including the costs of advertisement and sale, which latter shall be pro rated upon the articles or lots advertised in proportion to the amount received for each article or lot. Before any such sale is made, the board shall publish a notice of the time and place of sale at least once each week for three successive weeks in some newspaper of general circulation printed and published in the county in which the place is located to which such freight is consigned or addressed, or if no such newspaper is printed and published therein, by posting such notice in the English and Hawaiian languages at the courthouses of the district in which such place is located; said notice shall contain a description of such property as near as may be, the name of the owner or consignee if known, the amount of charges due thereon, together with the time and place of said sale. Any freight in its nature perishable may be sold by the board either at public or private sale as soon as its condition makes a sale necessary.

The surplus, if any, received from such sale shall, after paying any accrued freight charges on the freight, be paid to the owner or consignee, if known, and if not known, shall be deposited in the territorial treasury as a special fund, which fund shall consist of the surplus received from sales made under this section. At any time within one year thereafter, upon written demand and proof of identity satisfactory to him, the treasurer shall pay the owner thereof said surplus. If such surplus be not claimed by the owner within one year after the date of sale it shall thereupon escheat to the Territory of Hawaii, and be transferred to the general funds of the Territory."

SECTION 6. This Act shall take effect July 1, 1915.

Approved this 26th day of April, A. D. 1915.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

LEGAL NOTICE

IN THE CIRCUIT COURT OF THE First Circuit, Territory of Hawaii. At Chambers. No. 5220. Guilhermina Moniz Jacintho, libellant vs. Francisco Jacintho, libelee divorce.

NOTICE OF PENDENCY OF SUIT.

The Territory of Hawaii to Francisco Jacintho, greeting:

You are hereby notified that the above entitled cause is now pending before the Circuit Court above named, wherein the said Guilhermina Moniz Jacintho prays for an absolute divorce from you upon the ground of non-support, and for the custody and control of the minor children, issue of said marriage, and that said cause has been set down for trial before the Hon. Wm. L. Whitney, second judge of said court, at his court room in the Judiciary building in Honolulu, Territory of Hawaii, on the 14th day of June, 1915, at 9 o'clock a. m., or as soon thereafter as the business of said court will permit.

By order of the court.
JOHN MARCALLINO,
Clerk.

6122-Mar. 26, Apr. 2, 9, 16, 23, 30, May 7.

IN THE CIRCUIT COURT OF THE First Circuit, Territory of Hawaii. At Chambers-In Probate.

In the matter of the estate of Kam Sing, of Honolulu, Oahu, deceased.

On reading and filing the petition of Lum Shee of Honolulu alleging that Kam Sing of Honolulu died intestate at Honolulu on the 19th day of March, A. D. 1915, leaving property within the jurisdiction of this court necessary to be administered upon, and praying that letters of administration issue to K. T. Kwai, a creditor of deceased.

It is ordered, that Tuesday, the 25th day of May, A. D. 1915, at 9 o'clock a. m., be and hereby is appointed for hearing said petition in the court room of this court in the Judiciary building in the City and County of Honolulu, at which time and place all persons concerned may appear and show cause, if any they have, why said petition should not be granted.

By the court.

A. K. AONA,
Clerk.

Dated Honolulu, April 23, 1915.

A. S. Humphreys, attorney for petitioner.

6146-Apr. 23, 30, May 7, 14.

IN THE CIRCUIT COURT, FIRST Circuit, Territory of Hawaii. In Probate—at Chambers, No. 4698.

In the matter of the estate of Arvilla S. McWayne, deceased.

On reading and filing the petition and accounts of Wilbur D. McWayne of Wahiawa, Honolulu, executor of the last will and testament of Arvilla S. McWayne, late of Honolulu, wherein petitioner asks to be allowed \$31.50 and charged with \$166.94, and asks that the same be examined and approved, and that a final order be made of distribution of the remaining property to the persons thereto entitled and discharging petitioner and sureties from all further responsibility hereinafter.

It is ordered, that Monday, the 24th day of May, A. D. 1915, at 9 o'clock a. m., before the judge presiding at chambers of said court at his court room in the Judiciary building, in Honolulu, County of Honolulu, be and the same hereby is appointed the time and place for hearing said petition and accounts, and that all persons interested may then and there appear and show cause, if any they have, why the same should not be granted, and may present evidence as to who are entitled to the said property.

By the Court.

J. A. DOMINIS,
Clerk, Circuit Court, First Circuit.

Dated the 16th day of April, A. D. 1915.

6140-Apr. 16, 23, 30, May 7.

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